

JUDGE TORRES

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

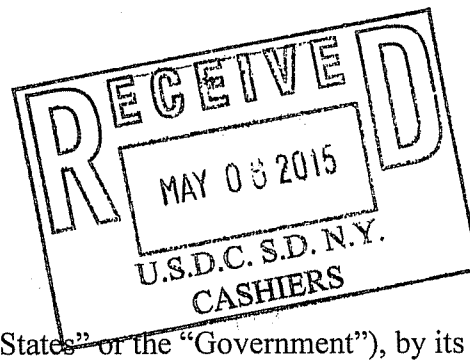
Plaintiff,

v.

EMMANUEL O. ASARE, M.D., and  
SPRINGFIELD MEDICAL AESTHETIC P.C.  
d/b/a ADVANCED COSMETIC SURGERY OF  
NEW YORK,

Defendants.

15 CV 03556  
CIV. ( )



**COMPLAINT**

1. The United States of America (the “United States” or the “Government”), by its attorney, Preet Bharara, the United States Attorney for the Southern District of New York, brings this suit to remedy and prevent violations of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*, and its implementing regulations (the “ADA”) by Defendants Emmanuel O. Asare, M.D., and Springfield Medical Aesthetic P.C. d/b/a Advanced Cosmetic Surgery of New York (collectively, “Defendants”), who are providers of medical services, specifically plastic surgery. Defendants willfully violated the ADA by instituting and applying a policy that denies service to any individual living with the Human Immunodeficiency Virus (“HIV”), diabetes, cancer, obesity, stroke, DVT, clotting disorders, Hepatitis B and C, chronic viral infections, and neurological conditions. The United States seeks both injunctive and monetary relief to redress the Defendants’ illegal and discriminatory acts.

**PLAINTIFF, DEFENDANTS, AND INTERESTED PARTIES**

2. Plaintiff is the United States of America.

3. Defendant Emmanuel O. Asare, M.D. ("Dr. Asare") is plastic surgeon affiliated with Defendant Springfield Medical Aesthetic P.C. d/b/a Advanced Cosmetic Surgery of New York, and, upon information and belief, Dr. Asare's primary work address is 635 Madison Avenue, New York, New York.

4. Defendant Springfield Medical Aesthetic P.C. d/b/a Advanced Cosmetic Surgery of New York ("Advanced Cosmetic") is, upon information and belief, a professional limited liability company, formed pursuant to the laws of the State of New York, and through which affiliated doctors provide medical services. Advanced Cosmetic has offices located at 635 Madison Avenue, New York, New York, and 5036 Jericho Turnpike #205, Commack, New York.

5. Complainant is a 50 year old, HIV-positive male, who resides in the City of New York, Borough of Manhattan. In order to manage his HIV, Complainant takes a selection of drugs. Complainant also is currently in remission from cancer, for which he received chemotherapy in 2007. In 2014, Complainant has gynecomastia, which is inflammation of the breast tissue, and may be related either to the cancer or HIV.

#### **JURISDICTION AND VENUE**

6. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1346(a), and 1343(a)(4), and 42 U.S.C. § 12188.

7. The Department of Justice has authority to sue in this matter pursuant to 42 U.S.C. § 12188.

8. Venue is proper in the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1391(b)(1)-(2).

## LEGAL FRAMEWORK

9. The ADA provides that “[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. § 12182(a).

10. The ADA defines “public accommodation” as including the “professional office of a health care provider, hospital, or other service establishment.” *Id.* § 12181(7)(F); 28 C.F.R. § 36.104.

11. Being HIV-positive, even if asymptomatic, as well as living with cancer, diabetes, obesity, stroke, DVT, clotting disorders, Hepatitis B and C, chronic viral infections, and neurological conditions, are all disabilities for purposes of the ADA. 42 U.S.C. § 12102(2)(B); 28 C.F.R. § 36.104. The ADA specifies that

[i]t shall be discriminatory to subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.

42 U.S.C. § 12182(b)(1)(A)(i).

12. Discrimination under the ADA encompasses

the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered.

*Id.* § 12182(b)(2)(A)(i).

13. The medical offices of Dr. Asare and Advanced Cosmetic are places of public accommodation under the ADA, and the services provided through those offices are subject to the ADA. Dr. Asare and Advanced Cosmetic are thus, public accommodations, subject to the ADA.

14. Individuals who are HIV positive or have diabetes or cancer are individuals with disabilities pursuant to the ADA.

### **FACTUAL ALLEGATIONS**

15. Complainant conducted an internet search looking for a cosmetic surgeon who specialized in handling gynecomastia. The top result from Complainant's search was Advanced Cosmetic and Dr. Asare.

16. Complainant called and scheduled an appointment at Advanced Cosmetic's Madison Avenue offices for July 14, 2014.

17. On or about July 14, 2014, Complainant went to Advanced Cosmetic. Complainant was given a form to fill out in advance of the visit. He completed all relevant parts of the form, except for those related to his HIV status.

18. Employees of the practice then told Complainant that he would be seeing Dr. Asare. Complainant was thereafter escorted by a female employee of Advanced Cosmetic into Dr. Asare's office, and the employee remained in the room.

19. Dr. Asare asked Complainant the reason for Complainant's visit. Complainant explained that he had been suffering from gynecomastia, and that he wanted to find out if surgery was a feasible option to address the problem.

20. Dr. Asare then conducted an exam of Complainant's chest.

21. After the exam, Complainant asked whether gynecomastia could be a result of rapid weight gain after completion of chemotherapy, or whether it could be related to certain medications Complainant was taking to manage his HIV.

22. Dr. Asare reviewed the intake form, and asked whether Complainant had listed his HIV status on that form. Complainant answered that he had not because he felt more comfortable discussing his medical history orally.

23. Dr. Asare then told the female Advanced Cosmetic employee who had been in the room during the exam to leave. Complainant stated that he had no issue with her remaining in the room. Nevertheless, Dr. Asare insisted that she leave, and she did.

24. Dr. Asare then stated that it was the policy of Advanced Cosmetic not to treat those living with HIV.

25. When Complainant noted that such a refusal was illegal, Dr. Asare insisted that the policy of refusing service to those who are HIV-positive was not illegal, and that he had checked with an attorney before formulating the policy.

26. Complainant and Dr. Asare had an argument regarding the propriety of Advanced Cosmetic's policy, after which Complainant left Advanced Cosmetic's offices.

27. Complainant, as a result of the discrimination suffered at the hands of Dr. Asare and Advanced Cosmetics, has suffered serious emotional distress.

28. Upon information and belief, Complainant is not the first victim of Dr. Asare's and Advanced Cosmetic's illegal exclusionary policy. At least two other individuals were told by Advanced Cosmetic that the office would not provide services to those with HIV. Both individuals posted anonymous comments to the website [www.ratemds.com](http://www.ratemds.com). A copy of the posting is attached hereto as Exhibit A.

29. On or about July 15, 2014, Complainant filed a complaint pursuant to the ADA with the Department of Justice concerning Dr. Asare and Advanced Cosmetic.

30. As a result of that complaint, the Government initiated an investigation into Dr. Asare and Advanced Cosmetic, and on or about September 19, 2014, the Government sent Defendants a letter requesting documents and information regarding their policy with respect to providing medical services to HIV-positive individuals.

31. In a letter dated December 10, 2014, Defendants responded to the Government's request for information by stating that Dr. Asare and Advanced Cosmetic only perform plastic surgeries, which are elective in nature, and Defendants "do not perform life-saving surgeries. As a result, all our patients should be in healthy condition. Any condition that a patient has that to the best of my knowledge will potentially have any negative effect on the outcome of the surgery will disqualify the patient." A copy of the December 10, 2014, letter is attached hereto as Exhibit B.

32. That letter went on to explain that Dr. Asare and Advanced Cosmetic would not and did not perform surgeries on anyone having "[m]edical conditions like obesity, uncontrolled diabetes, uncontrolled hypertension, recent stroke or heart attack, history of some types of cancer, history of DVT in the past, clotting disorders, history of active Hepatitis B and C as well as other chronic viral infections, history of HIV infection, some neurological conditions etc." *See* Exh. B (hereinafter, taken together with the language quoted in Paragraph 33, "Defendants' Policy").

33. Upon information and belief, pursuant to the American Medical Association's Code of Medical Ethics, "[a] physician may not ethically refuse to treat a patient whose condition is within the physician's current realm of competence solely because the patient is

seropositive for HIV. Persons who are seropositive should not be subjected to discrimination based on fear or prejudice.” Op. 9.131 – HIV Infected Patients and Physicians (found at <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics/opinion9131.page> as of 1/13/15). A copy of Op. 9.131 is attached hereto as Exhibit C.

### **ENFORCEMENT BY THE ATTORNEY GENERAL**

34. Given indications that Defendants have been denying medical services consistent with Defendants’ Policy since 2012, there is reasonable cause to believe that Defendants have engaged and continue to engage in a pattern or practice of discrimination under the ADA. 42 U.S.C. § 12188(b)(1)(B)(i). There is also reasonable cause to believe that Defendants’ Policy raises an issue of general public importance. 42 U.S.C. § 12188(b)(1)(B)(ii).

### **FIRST CAUSE OF ACTION POLICY OF DISCRIMINATION ON THE BASIS OF DISABILITY**

35. The Government incorporates by reference paragraphs 1 through 34 as if they were repeated in full herein.

36. Defendants’ Policy categorically excludes disabled individuals living with HIV, diabetes, or cancer from the services provided by Defendants, namely plastic surgery.

37. Defendants’ Policy violates the ADA. 42 U.S.C. §§ 12182(a), (b)(2)(A)(i).

38. Defendants’ Policy is not necessary to effectuate the plastic surgery services that Dr. Asare and Advanced Cosmetic offer.

39. Defendants’ policy of denying services to any individual living with HIV, diabetes, cancer, obesity, stroke, DVT, clotting disorders, Hepatitis B and C, chronic viral infections, and neurological conditions constitutes a pattern or practice of discrimination under the ADA. *Id.* § 12188(1)(B)(i).

**SECOND CAUSE OF ACTION  
DISCRIMINATION ON THE BASIS OF DISABILITY**

40. The Government incorporates by reference paragraphs 1 through 34 as if they were repeated in full herein.

41. On or about July 14, 2014, Defendants denied services, namely plastic surgery, to Complainant because he is living with HIV.

42. Defendants' denial of services to Complainant on or about July 14, 2014 based on his HIV-positive status violates the ADA. *Id.* § 12182(a), (b)(1)(a)(i).

43. Defendants' denial of service to Complainant, and to any individual living with HIV, diabetes, cancer, obesity, stroke, DVT, clotting disorders, Hepatitis B and C, chronic viral infections, and neurological conditions violates the ADA and raises an issue of general public importance. *Id.* § 12188(1)(B)(ii).

**PRAYER FOR RELIEF**

WHEREFORE, the United States respectfully requests that this Court enter judgment that:

- a. Declares that the discriminatory actions, practices, and policies of Defendants as set forth above violated Title III of the ADA, 42 U.S.C. §§ 12181-89, and its implementing regulation, 28 C.F.R. pt. 36;
- b. Enjoins Defendants, their officers, agents, and employees, and all other persons acting in concert with Defendants, from discriminating on the basis of disability against Complainant, other individuals with disabilities, and individuals related to or associated with an individual with a disability in violation of Title III of the ADA, 42 U.S.C. §§ 12181-89, and its implementing regulation, 28 C.F.R. pt. 36;




- c. Enjoins Defendants, their officers, agents, and employees, and all other persons acting in concert with Defendants, from failing or refusing to adopt and implement a policy of nondiscrimination against persons with disabilities, including persons living with HIV, diabetes, or cancer, and from failing or refusing to make reasonable modifications to policies, practices, and procedures to ensure that goods, services, facilities, privileges, advantages, and accommodations are afforded to individuals with disabilities, including those living with HIV, diabetes, or cancer;
- d. Awards money damages to Complainant to compensate him for the discrimination he experienced;
- e. Assesses a civil penalty against Defendants as authorized by 42 U.S.C. § 12188(b)(2) and 28 C.F.R. § 36.504(a)(3) in an amount sufficient to vindicate the public interest; and

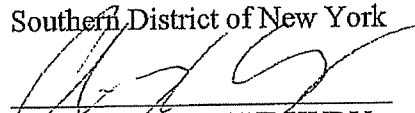
f. Grants such other relief as the Court deems just and proper.

Date: May 6, 2015  
New York, New York

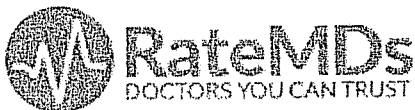
ERIC H. HOLDER, JR.  
Attorney General

By:   
VANITA GUPTA  
Acting Assistant Attorney General  
Civil Rights Division

PREET BHARARA  
United States Attorney for the  
Southern District of New York

By:   
ARASTU K. CHAUDHURY  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007  
Tel.: (212) 637-2633

# EXHIBIT A



(/)

[Signup](#) | [Login](#) | [Claim Doctor Profile](#)



## Dr. Emmanuel O. Asare

Cosmetic Surgeon / Plastic Surgeon (/best-doctors/ny/commack/cosmetic-plastic-surgeon/)

18 reviews

#2 of 3Cosmetic Surgeons / Plastic Surgeons in Commack, New York (/best-doctors/ny/commack/cosmetic-plastic-surgeon/)

Male (/best-doctors/ny/commack/cosmetic-plastic-surgeon/?gender=m)

Unavailable

Advanced Cosmetic Surgery of New York (/clinic/us-ny-commack-advanced-cosmetic-surgery-of-new-york-804/)

[View Map & Address](#)

[Visit Website \(http://www.advancedcosmeticsurgeryny.com\)](http://www.advancedcosmeticsurgeryny.com)

## Rate Dr. Emmanuel O. Asare

Staff

Punctuality

Helpfulness

Knowledge

Comment

Rate This Doctor

## Dr. Emmanuel O. Asare's Ratings

**5**  
Staff

**5**  
Punctuality

**5**  
Helpfulness

**5**  
Knowledge

I had two procedures done on me by Dr Asare, I found him to be very experienced and dedicated Cosmetic Surgeon. He has a unique way of doing all his procedures under local anesthesia with some sedation. Compared to other Cosmetic Surgeons I had consultations with, Dr Asare really takes his time to explain to you the benefits of doing the procedure under local anesthesia and then shows you several before and after photos taken at different stages of the healing process. He lets you know exactly what to expect and delivers exactly what he promises! His fees are very reasonable. As a surgeon myself, I was extremely satisfied with the service and the results of my procedure. I had gynecomastia surgery done first and was so happy with the outcome that I decided to go back for smartlipo of my abdomen and love handles. I now have the body of my dreams! I have referred several patients to him and will continue to do so. William C. MD

Was this rating useful? 0

flag | Submitted March 24, 2013

**5**  
Staff

**4**  
Punctuality

**2**  
Helpfulness

**3**  
Knowledge

I was ecstatic to be able to get this gyno prosedure done. Dr Asare is simply after money and not the overall satisfaction of his patients. He tries to sell you on that he is the best at this showing you pictures and what not but completely ignored the facts of my concerns, and when I bought it to his attention he does his best to claim its a great job. Make the right choice go to a RENOUNDED surgeon for your procedure. You may pay more but it's your temple and will have to live with the results for life

Was this rating useful? 0

flag | Submitted Feb. 21, 2013

**5**  
Staff

**4**  
Punctuality

**5**  
Helpfulness

**5**  
Knowledge

I had an incredible experience with Smart Lipo on my stomach, and waist. I am completely satisfied with the results and with the procedure. Finding the right Doctor was key. Dr. Asare and staff made me feel comfortable. I never felt rushed or pressured to have the procedure done. The downtime was minimal and I was back on my feet and back to my toddlers within days from the procedure. I will take my business to no-one other than Dr. Asare and his attentive staff. Mrs. Muñoz, LI NY

Was this rating useful? 0

flag | Submitted Dec. 28, 2012

**1**  
Staff

**1**  
Punctuality

**1**  
Helpfulness

**1**  
Knowledge

Wow I just hung up from the office and the guy was right this Doctor prefers not to work on people with HIV how degusting and this is a DR

Was this rating useful? 0

flag | Submitted Dec. 27, 2012

**4**  
Staff

**5**  
Punctuality

**3**  
Helpfulness

**1**  
Knowledge

I scheduled a consultation with Dr. Asare fo lipo and a gynecomastia procedure. Everything seemed fine at the appointment, I was with the Dr. and his assistant in his office, when I shared with Dr. Asare that the lipodystrophy began in 1997 when I began taking an HIV regimen. His eyes averted, looking over me towards his assistant, she immediately left the room. Dr. Asare told me he doesn't work on HIV patients because his staff is paranoid about HIV. I was stunned to hear a Medical Physician inform me the reason he refused to perform procedures on persons with HIV because his staff was afraid to catch it. I asked Dr. Asare if this was a written policy, he said, no. I then asked why he didn't disclose this on his website, he said that would be discriminatory and he likes to address each patient, case by case. It's astounding that a Physician could be so ignorant about HIV.

Was this rating useful? 0

flag | Submitted July 16, 2012

**5**  
Staff

**5**  
Punctuality

**5**  
Helpfulness

**5**  
Knowledge

Very informative.. affordable pricing... not the cheapest, but not the most expensive. The results of my lipo procedure was worth every penny. My contour is more "womanly" now. He's good at what he does!

Was this rating useful? 0

flag | Submitted March 20, 2012

**5**  
Staff

**5**  
Punctuality

**5**  
Helpfulness

**5**  
Knowledge

Extremely knowledgeable cosmetic surgery practice. They have 3 surgeons there now; Dr Asare is a specialist in liposuction; Dr. Amami (sp?) does facial rejuvenation and Dr. Diktaban does breasts enhancements, tummy tucks and other plastic surgery procedures. Really nice folks.

Was this rating useful? 0

flag | Submitted March 24, 2011

**5**  
Staff

**5**  
Punctuality

**5**  
Helpfulness

**5**  
Knowledge

Dr. Asare is wonderful. He has been treating me for years and thanks to him my whole family have a doctor that we trust and love

Was this rating useful? 0

flag | Submitted Feb. 13, 2011

« (?page=1) 1 (?page=1)

2

## David H. Adams, MD

Expert Cardiac Surgery. What Every Patient Should Know!

---

Sign up for our newsletter and get the latest health news and tips.

Subscribe

---

### About RateMDs

[About \(/about/\)](/about/)

[Press \(/about/press\)](/about/press)

[Contact \(/about/contact\)](/about/contact)

[FAQ \(/about/faq\)](/about/faq)

[Advertise \(/about/advertise\)](/about/advertise)

[Privacy \(/about/privacy\)](/about/privacy) & [Terms \(/about/terms\)](/about/terms)

### Top Specialties

[Family G.P. \(/specialties/family-gp/\)](/specialties/family-gp/)

[Gynecologist/OBGYN \(/specialties/gynecologist-obgyn/\)](/specialties/gynecologist-obgyn/)

[Dentist \(/specialties/dentist/\)](/specialties/dentist/)

[Orthopedics/Sports \(/specialties/orthopedics-sports/\)](/specialties/orthopedics-sports/)

[Cosmetic Surgeon \(/specialties/cosmetic-plastic-surgeon/\)](/specialties/cosmetic-plastic-surgeon/)

[View all specialties > \(/specialties/\)](/specialties/)

### Top Local Doctors

[New York \(/best-doctors/ny/new-york/\)](/best-doctors/ny/new-york/)

[Chicago \(/best-doctors/il/chicago/\)](/best-doctors/il/chicago/)

[Houston \(/best-doctors/tx/houston/\)](/best-doctors/tx/houston/)

[Los Angeles \(/best-doctors/ca/los-angeles/\)](/best-doctors/ca/los-angeles/)

[Boston \(/best-doctors/ma/boston/\)](/best-doctors/ma/boston/)

[Toronto \(/best-doctors/on/toronto/\)](/best-doctors/on/toronto/)

### Follow Us

Facebook

(<https://www.facebook.com/ratemdslotcom>)

Twitter (<https://twitter.com/RateMDslotcom>)

Google+ (<https://plus.google.com/+ratemds>)

©2004-2014 RateMDs Inc.  
The original and largest doctor rating site.



# EXHIBIT B

# SPRINGFIELD MEDICAL AESTHETIC. P.C.

dba; Advanced Cosmetic Surgery of New York

5036 Jericho Turnpike, Suite 205, Commack, NY 11725

Tel; 631-499-1831, Fax; 631-499-1834

December 10, 2014

Re; "Medical Services Denied to HIV -Positive Patients".

Dear Mr Chaudhury,

This is a follow up to our telephone conversation on the above matter some few days ago. As explained to you on the phone, Advanced Cosmetic Surgery of New York (as the name implies) is a Cosmetic Surgery Practice. All surgeries are therefore done on elective basis and with the sole purpose of enhancing a person's look. I do not perform life-saving surgeries. As a result, all our patients should be in healthy condition. Any condition that a patient has that to the best of my knowledge will potentially have any negative effect on the outcome of the surgery or recovery process will disqualify the patient.

Examples of cases I don't operate on are;

1. Medical conditions like obesity, uncontrolled diabetes, uncontrolled hypertension, recent stroke or heart attack, history of some types of cancer, history of DVT in the past, clotting disorders, history of active Hepatitis B and C as well as other chronic viral infections, history of HIV infection, some neurological conditions etc.
  2. A person that I suspect might be non-compliant to my instructions or simply might be a "difficult patient" as well as anyone that I suspect might have unrealistic expectations. I also do not also accept cases that I feel might be too difficult to operate etc.
  3. A person with significant skin laxity.
  4. Patients who have had more than one surgery on the same area I will be operating on.
- Etc.

I have attached two print outs from our website for your review;-

1. Appropriate candidates for gynecomastia surgery.
2. Ideal candidates for laser liposculpture.

I do not discriminate against anyone or any group of people. Just like any other Cosmetic Surgeon, I have some qualifying and disqualifying criteria based on my comfort level and how much risk or stress I am willing to take!. I think that is my right as a Cosmetic Surgeon!.

I hope this explanation helps.

Sincerely yours,  
Emmanuel Asare, MD



Gynecomastia surgery may be a good choice for you if you are embarrassed by excessive breast tissue and desire a firmer, more masculine-looking chest. However, not everyone is a suitable candidate for surgery. There are additional criteria that our New York City and Long Island gynecomastia surgeons take into consideration when determining whether you qualify for surgery.

Typically, appropriate candidates for gynecomastia surgery:

- Are in good physical and mental health
- Do not have any life-threatening medical conditions that could compromise recovery (e.g., cardiovascular disease or an uncontrolled illness)
- Do not smoke, or plan to quit well before surgery
- Are of a relatively normal weight
- Have specific and reasonable expectations of the surgical outcome
- Are not experiencing fluctuation in breast development
- Experience negative psychological effects from having excessive breast tissue (e.g., embarrassment in social situations, self-doubts)

## Male Breast Reduction Consultation

The male breast reduction consultation accomplishes several objectives. First, our surgeons will evaluate you as a candidate for the procedure. They will perform a physical examination of your chest area, noting things like the amount of excess fat and the thickness of your skin. They will inquire about your health history, medications you take and previous surgeries. They will rule out any medical conditions that could have caused you to develop excessive breast tissue.

Second, our gynecomastia surgeons will ask you to describe your desired results. It's usually helpful to bring in a photograph of a male chest that you like, to illustrate your expectations and goals of surgery. Or, our surgeons may review some before-and-after photographs of previous patients with you to get a better idea of your ideal cosmetic outcome. Once our surgeons understand your goals of surgery and have determined the degree of correction necessary to achieve those goals, they will draw up a plan for treatment. The treatment plan will outline whether surgical excision and/or liposuction are to be performed, and the type of anesthesia that will be used during surgery.

You are encouraged to ask any questions or raise any concerns that you have about male breast reduction surgery. No question is too insignificant to ask. We want you to feel informed about your options and make educated decisions about your care. We also want you to understand the potential risks of surgery.

Once it has been determined that you are a suitable candidate for gynecomastia surgery, and you are pleased with the planned approach that our surgeons will take, we will schedule your procedure and provide detailed pre- and post-operative instructions.

## Schedule a Gynecomastia Consultation

If you would like to schedule an appointment with our New York gynecomastia surgeons to discuss your options, please call Advanced Cosmetic Surgery of New York at 212-206-0023 (Manhattan location) or 631-499-1831 (Long Island location).

## SmartLipo vs Traditional Liposuction

### Ideal candidates for laser liposculpture:

- Regularly exercise
- Be within 25 pounds of ideal body weight
- Have areas of fat that are not responding to diet and exercise
- Want to permanently remove stubborn pockets of fat
- Be non-smokers (smoking must be stopped 2 weeks prior to surgery)
- Need to recover within a day or two
- Not have any serious health conditions

It's an easy decision to get SmartLipo laser liposculpture if the above apply to you. Though every patient is different, our surgeons follow these guidelines to determine the best candidates for SmartLipo laser liposuction.

If you do not meet all of the above guidelines, don't worry! Simply call us to find out if your particular concern is a showstopper. Most likely we can help you.

# EXHIBIT C



[Resources](#) » [Medical Ethics](#) » [AMA Code of Medical Ethics](#) » [Opinion 9.131](#)

## Opinion 9.131 - HIV-Infected Patients and Physicians

A physician may not ethically refuse to treat a patient whose condition is within the physician's current realm of competence solely because the patient is seropositive for HIV. Persons who are seropositive should not be subjected to discrimination based on fear or prejudice.

When physicians are unable to provide the services required by an HIV-infected patient, they should make appropriate referrals to those physicians or facilities equipped to provide such services.

A physician who knows that he or she is seropositive should not engage in any activity that creates a significant risk of transmission of the disease to others. A physician who has HIV disease or who is seropositive should consult colleagues as to which activities the physician can pursue without creating a risk to patients. (I, II, IV)

Issued March 1992 based on the report "[Ethical Issues in the Growing AIDS Crisis](#)," adopted December 1987 (*JAMA*. 1988;259:1360-1361); Updated June 1996 and June 1998

---

Copyright 1995- 2015 American Medical Association All rights reserved.

[Contact Us](#) | [Advertise with Us](#) | [Terms of Use](#) | [Privacy Policy](#) | [Code of Conduct](#) | [Sitemap](#)